

REMARKS

Initially, it is noted that the Examiner has objected to claims 6-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of the copending Application No. 10/085,343. As such, applicant provides herewith a Terminal Disclaimer executed by the assignee of the present invention in order to overcome the provisional rejection. As such, withdrawal of the Examiner's rejection is respectfully requested.

The Examiner has also rejected the pending claims, namely, claims 6-7, 9-14 and 19-20 as being anticipated by Williams, U.S. Patent No. 2,808,189 and by Emery, U.S. Patent No. 2,783,879. As hereinafter described, Applicant has amended the pending claims to more particularly define the invention for which protection is sought. Applicant believes that the now pending claims are in proper form for allowance and reconsideration of the Examiner's rejections is respectfully requested in view of the following comments.

Claim 6 defines a support structure for supporting an object. The support structure includes an elongated member extending along an axis and having first and second sides and first and second edges. The first side of the elongated member includes a first set of ribs projecting therefrom that correspond to a first set of depressions on the second side of the elongated member. The first set of ribs includes first, second and third ribs axially spaced from each other along an axis transverse to the longitudinal axis. A second set of ribs also projects from the first side of the elongated member at a location axially spaced from the first set of ribs so as to define an object receiving cradle therebetween. The second set of ribs includes first, second and third ribs axially spaced from each other along the second axis transverse to the longitudinal axis of the elongated member. A first rib projects from the second side of the elongated member and

corresponds to a first depression in the first side of the elongated member between the first and second ribs of the first set of ribs. A second rib projects from the second side of the elongated member at a location axially spaced from the first rib projecting from the second side of the elongated member so as to define a second side object receiving cradle therebetween. The second rib projecting from the second elongated member corresponds to a second depression in the first side of the elongated member between the first and second ribs of the second set of ribs. As described, the support structure of independent claim 1 allows for first and second objects to be supported on opposite sides of the support structure such that the objects vertically overlap, Fig. 14. As described, neither of the cited references shows or suggests such a structure.

The Williams '189 patent discloses packaging material for fragile articles. The packaging material includes a sheet having a plurality of recesses formed on one side thereof. The sheet may be folded to define a generally rectangular cavity for housing a plurality of clay pigeons. However, it is noted that nothing in the Williams '189 patent shows or suggests providing a support structure having object-receiving cradles on both sides thereof. Further, it is not even contemplated to provide such a structure in the Williams '189 patent. Such packaging material disclosed therein is intended to be used within a rectangular, open-ended carton.

The Emery '879 patent is directed to a molded pulp valve tray and package. As best seen in Figs. 3 and 4, the elongated objects supported by the valve tray are vertically offset. This is due to the fact that the depressions or recesses are not provided between the ribs of each set of ribs as provided for in independent claim 1, but are provided between each set of ribs. Therefore, unlike the support structure of the present invention which allows for vertical stacking of the objects, such a structure cannot be constructed from the valve tray disclosed in the '879 patent. As such, it is believed that independent claim 1 defines over the '879 patent.

In view of the foregoing, applicant believes that independent claim 6 defines over the cited references and is in proper form for allowance. Claims 7 and 9-13 depend either directly or indirectly from independent claim 6 and further defines a support structure not shown or suggested in the prior art. It is believed that claims 7 and 9-13 are allowable as depending from an allowable base claim and in view of the subject matter of each claim.

Referring to claim 14, a support structure is provided for supporting an object. The support structure includes an elongated member extending along a longitudinal axis and having first and second sides, first and second edges and first and second ends. The first side of the elongated member includes a first plurality of ribs projecting therefrom and being spaced between the first and second ends along a first axis. A second plurality of ribs projects from the first side and are spaced between the first and second ends along a second axis. A third plurality of ribs project from the first side of the elongated member and are spaced between the first and second ends along a third axis. A first plurality of depressions is formed the first side of the elongated member and are spaced between and the first and second ends along a first depression axis disposed between the first and second axis. A second plurality of depressions is formed in the first side of the elongated member and are spaced between the first and second ends along a second depression axis disposed between the second and third axis. Each of the first plurality of ribs is aligned with a corresponding rib of the second plurality of ribs and with a corresponding rib of a third plurality of ribs along a corresponding axis transverse to the longitudinal axis of the elongated member. Each of the first plurality of depressions is disposed between one of the first plurality of ribs and one of the second plurality of ribs and each of the second plurality of depressions is disposed between one of the second plurality of ribs and one of the third plurality of ribs. Further, each of the first plurality of depressions forms a corresponding rib projecting from the second side of the elongated member. The ribs project from the second side of the elongated member are spaced between the first and second ends along the first depression axis. The ribs projecting from the second side of the elongated member include a first rib and a second rib. The first rib and the second rib define a second side object receiving cradle therebetween.

As heretofore described with respect to independent claim 14, neither the Emery '879 patent nor the Williams '189 patent shows or suggests providing depressions between the ribs on the first side of the elongated member that corresponds to the ribs projecting from the second side of the elongated member so as to allow for the vertical stacking of objects directly above each other. Such a structure is entirely absent from the Williams '189 patent and the Emery '879 patent. Hence, it is believed that the independent claim 14 defines over the cited references and is in proper form for allowance.

Claims 19-20 depend either directly or indirectly from independent claim 14 and further define a support structure not shown or suggested in the prior art. It is believed that claims 19-20 are allowable as depending from allowable base claim and in view of the subject matter of each claim.

In view of the foregoing, applicant believes that the present application with claims 6-7, 9-14 and 19-20 is in proper form for allowance and such action is earnestly solicited.

Applicant believes that no fees are due at this time. However, the Director is hereby authorized to charge any fees, or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter C. Stomma', written over a horizontal line.

Peter C. Stomma, Reg. No. 36,020

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